

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Patrick Clifton Clark, # 13393,	)	C/A No.:9:07-cv-0791-GRA-GCK
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	(Written Opinion)
Sumter County C/O William Noonan;	)	
Lee County C/O Jimmy Lacoste; Sgt.	)	
Dwyer; Sgt. Richardson; Asst. Director	)	
Major McGainey; Sgt. Brunson; Officer	)	
Jenkins; Southern Health Partners; and	)	
Dr. Bush,	)	
	)	
Defendants.	)	
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This matter comes before the Court for a review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), filed on October 1, 2007. Plaintiff originally filed suit against the defendants pursuant to 42 U.S.C. § 1983, alleging that the defendants were deliberately indifferent to his serious medical needs on March 26, 2007. The magistrate recommends dismissing this suit because it fails to state a claim upon which relief can be granted. For the reasons stated herein, this Court adopts the Report and Recommendation in its entirety.

**Standard of Review**

Plaintiff brings this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those

drafted by attorneys. *See Gordon v. Leeke*, 574 F.2d 1147, 1151 (4th Cir. 1978). This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982). The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). The plaintiff filed a "response to summary judgment" as a part of his November 5, 2007 filing. This Court will construe that as objections.

### **Objections**

Even under the most liberal construction, the plaintiff's objections are not specific. Rather than referring to any specific part of the magistrate's Report and Recommendation, the plaintiff attempts to rebut the testimony each defendant provided via affidavit. In order for objections to be considered by a United States

District Judge, the objections must specifically identify the portions of the Report and Recommendation to which the party objects and the basis for the objections. Fed. R. Civ. P. 72(b); see *United States v. Schronce*, 727 F.2d 91,94 n.4 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841, 845-47 nn.1-3 (4th Cir. 1985). "Courts have . . . held *de novo* review to be unnecessary in . . . situations when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendation." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Furthermore, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983). Therefore, this Court need not conduct a *de novo* review of the plaintiff's objections.

### **Conclusion**

After a thorough review of the magistrate's Report and Recommendation, the record, and the plaintiff's objections, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

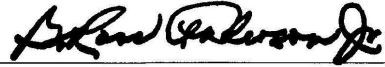
IT IS THEREFORE SO ORDERED THAT each of the defendants' motions for summary judgment be GRANTED.

IT IS FURTHER ORDERED THAT this dismissal be deemed a STRIKE for purposes of 28 U.S.C. § 1915.

IT IS FURTHER ORDERED THAT all other outstanding motions be DENIED for

mootness.

IT IS SO ORDERED.



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

February 7, 2008  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiff has the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**